IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10099 of 2005

Between:

P.Lakshman Rao, s/o Veeranna, Bus Operator, r/o L.B.Nagar, Kakinada.

..... PETITIONER

AND

Deputy Transport Commissioner & Secretary, RTA Kakinada, E.G.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other writ, order or direction, directing the respondent to accept the valid records within four months and issue the permit granted by the State Transport Appellate Tribunal, A.P.Hyderabad in A.P.No.282/2002 dt.2-1-2003 on the route Pithapuram Annapoorna Talkies to Kothapalli Ramamandiram.

Counsel for the Petitioner:MR.P.RAJAGOPALA CHARY

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the admission stage made the following O R D E R:

By an order dated 02.01.2003, the State Transport Appellate Tribunal, Hyderabad, in A.P.No.282 of 2003 allowed the appeal setting aside the order passed by the first respondent therein and directed the respondent to issue permit to the petitioner within four months from the date of receipt of a copy of the order on production of valid records and documents as required under the provisions of the Motor Vehicles Act, 1988 and APMV Rules, 1989.

Now, the learned counsel for the petitioner contended that due to ill-health and lack of funds, the petitioner could not produce the records within four months and before expiry of the said period, he could not even make an application for extension of time for production of records. It is further contended that this Court in similar circumstances in W.P.No.23274 of 2002 dated 21.11.2002 granted six weeks time to the petitioner therein on the ground that no third party rights have accrued on production of the records. Therefore, the facts on hand are also similar to that of the writ petition disposed of by this Court.

Having regard to the facts and circumstances of the case, the writ petition is disposed of granting two months time to the petitioner from today to submit valid records to the respondent. On submission of the records within the said time, the respondent shall take appropriate steps to issue permit to the petitioner. If the petitioner fails to submit the valid records and documents within the said period, he is not entitled for the Stage Carriage permit. No costs.

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(K.C.BHANU,J)

Dt:28th April, 2005

Usd

To

1. The Deputy Transport Commissioner & Secretary, RTA Kakinada, E.G.District.

2. Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT)

3 Two CD copies.